

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Interior Electric Incorporated Nevada,

Plaintiff

v.

T.W.C. Construction, Inc., et al.,

Defendants

Case No.: 2:18-cv-01118-JAD-MDC

**Order Denying Objection and Motion
Without Prejudice and Remanding to
Special Master for Clarification**

[ECF Nos. 349, 351]

And all other claims and parties

Plaintiff and counterdefendant Interior Electric Incorporated Nevada objects to and moves to modify an August 14, 2024, order of the special master directing T.W.C. Construction, Inc. to provide limited responses to Interior Electric's written discovery requests. Because the special master has since withdrawn at least some portions of the objected-to order, leaving this court unsure of what remains to review, I deny without prejudice Interior Electric's objection and motion and remand this issue to the special master to clarify his order and conduct further proceedings.

Discussion

A. Relevant procedural history

In early 2020, the court appointed a special master to resolve non-dispositive discovery disputes in this case.¹ The special master recently issued an order extending the discovery cut-off date, relying on the parties' representations that there were outstanding depositions to

¹ ECF No. 169.

1 conduct.² But the special master didn't explicitly state that the extension was solely for the
2 purpose of conducting those depositions, and Interior Electric used the extended deadline as an
3 opportunity to serve T.W.C. with a new set of interrogatories and requests for production.³
4 T.W.C. objected to those requests as untimely, taking the position that the special master's
5 discovery extension was limited to depositions and didn't permit another round of written
6 discovery.⁴ The parties brought their dispute to the special master,⁵ who issued a ruling on
7 August 14, 2024, permitting the written discovery and ordering responses.⁶

8 But in that order, the special master inadvertently transposed the plaintiff and defendant,
9 thus technically ordering Interior Electric to respond to T.W.C.'s discovery requests, when the
10 opposite direction was intended.⁷ He also found that the "scope of the discovery requests are far
11 beyond the reasonable limit" because they sought information about T.W.C.'s total gross
12 revenue for various projects, though Interior Electric's claims are related only to the "electrical
13 plans of the projects."⁸ So the special master ordered a response to the requests but instructed
14 that T.W.C. "may limit the Interrogatory responses and document production regarding damages
15 to issues involving the electrical scope of the projects."⁹

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18 ² ECF No. 336.

19 ³ See ECF Nos. 351-2, 351-3.

20 ⁴ See ECF Nos. 351-4, 351-5.

21 ⁵ See ECF Nos. 351-6, 351-7, 351-8.

22 ⁶ ECF No. 349.

23 ⁷ See *id.*

⁸ *Id.* at 2.

⁹ *Id.* at 3. The special master technically instructed Interior Electric to respond to its own discovery requests. I correct the record where it is obvious that the special master's references to the parties was merely the result of scrivener's error.

1 Interior Electric objects to those limitations and moves to modify the special master's
 2 order.¹⁰ It points to the special master's erroneous transpositions, arguing that they render the
 3 order "nonsensical and inaccurate to the actual proceedings."¹¹ It also objects to the special
 4 master's limitations on its discovery requests, arguing that total gross revenue for the projects
 5 that T.W.C. was allegedly able to timely complete only because it infringed on Interior Electric's
 6 electrical-plan copyrights is relevant to prove damages on those infringement claims.¹²

7 After Interior Electric filed its objection, the special master issued a notice titled "Special
 8 Master Notice Withdrawing August 14, 2024, Special Master Order as to Specific Responses
 9 Required."¹³ In that notice, the special master acknowledged that he "reversed the movant and
 10 respondent as to the specific request[s] that required a response."¹⁴ He thus ordered that
 11 "responses are required to the discovery requests as noted in the prior order" but that he
 12 "withdraws the remaining portion of the order and will consider any remaining dispute as to
 13 those request[s] if the parties do not resolve the issues."¹⁵

14 **B. This matter is remanded to the special master for clarification.**

15 The special master's withdrawal order has created significant uncertainty about the
 16 remaining portions of the order that are left to be reviewed by this court. T.W.C.'s response and
 17 Interior Electric's reply don't really contend with whether or how that withdrawal affects the
 18 special master's original order or what remains to be modified or objected to. At most, Interior
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20 ¹⁰ ECF No. 351.

21 ¹¹ *Id.* at 3.

22 ¹² *Id.* at 9–14.

22 ¹³ ECF No. 352.

23 ¹⁴ *Id.* at 2.

¹⁵ *Id.* (cleaned up).

1 Electric claims that the withdrawal “highlights the need for the [c]ourt to issue an order
2 modifying the special master’s order so the parties can have a clear understanding of what is
3 required.”¹⁶

4 But the problem here is that this court doesn’t have a clear understanding of the
5 remaining scope of the special master’s order, or what was intended to be withdrawn by his
6 second order. Without clarification, I cannot meaningfully assess Interior Electric’s objection
7 and motion to modify. So I remand this matter to the special master to issue a new order that
8 clarifies the ruling, including whether the limitations “regarding damages to issues involving the
9 electrical scope of the projects” survived the withdrawal issued on September 5, 2024.¹⁷ If the
10 special master can resolve this dispute via further hearings or the submission of briefs from the
11 parties, he may do so. And while that process plays out, I deny Interior Electric’s objection and
12 motion without prejudice to its ability to refile following further proceedings before the special
13 master.

14 Conclusion

15 IT IS THEREFORE ORDERED that this matter is **REMANDED to the special master**
16 **for further proceedings consistent with this order.**

17 IT IS FURTHER ORDERED that Interior Electric’s objection and motion to modify the
18 special master report and order [ECF No. 351] is **DENIED without prejudice.**

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20 
21 U.S. District Judge Jennifer A. Dorsey
22 October 9, 2024

22 ¹⁶ ECF No. 358 at 9.

23 ¹⁷ See Fed. R. Civ. P. 53(f)(1) (explaining that, upon review of a special master’s order, report, or recommendation, the court “may adopt or affirm, modify, wholly or partly reject or reverse, or resubmit to the master with instructions”).